

REMARKS/ARGUMENTS

In response to the Requirement for Election of Species dated April 27, 2004, applicant submits as follows:

Applicant elects, with traverse, Species I (Figures 4A and 4B) on which claims 1-5, 7-9, 12-15, 20, 22-29, 31, 34 and 36-38 read. Please note that Claims 1-4, 20, 23-24, 26-28, 34, and 36-37 are generic to all of the "species" indicated in the April 27, 2004 Office Action.

Applicant reserves the right to pursue the non-elected claims in a divisional application prior to issuance of a patent on the instant application.

There are two criteria for making a proper Restriction Requirement (see MPEP §803.01):

(A) The inventions must be independent or distinct as claimed; and

(B) There must be a serious burden on the Examiner to examine the inventions.

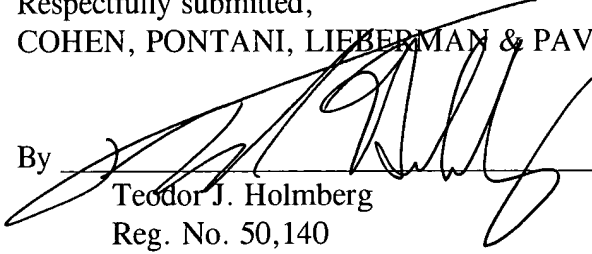
Applicant makes no comment or assertion concerning whether the Examiner has satisfied criteria (A); however, applicant traverses the Restriction Requirement because the Examiner has failed to make a *prima facie* showing of a serious burden, i.e., criteria (B). As stated in the MPEP, a serious burden may be *prima facie* shown by the Examiner "by appropriate explanation of separate classification, or separate status in the art, or a different field of search" (MPEP, §803.01). Because the Examiner has failed to show any of these, or even to make any statement concerning the serious burden criteria, the Examiner has not made a proper Restriction Requirement.

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Although applicant has provisionally elected an alleged species as required by 35 U.S.C. §121, applicant respectfully traverses the requirement and requests reconsideration and withdrawal of the Election Requirement under 37 C.F.R. §1.143, in light of the arguments made above.

Respectfully submitted,
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By



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